

Matthew Paul Lowe 902801/100258439
Full Name/Prisoner Number D.O.C # M.D.C. #

6900 W Millen DR
Hobbs, NM 88244
Complete Mailing Address

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
AUG 1 2008

AUG 16 2024

MITCHELL R. ELFERS
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Civil Action No. 1:23-cv-00160-MIS-KBM
(To be supplied by the Court)

Matthew Paul Lowe Doc# 90280
MDC# 100258439, Plaintiff(s),

Full name(s) and prisoner number(s)
(Do not use *et al.*)

Bernalillo County Board of Commissioners,
City of Albuquerque, Defendant(s).
(Do not use *et al.*)

PRISONER'S CIVIL RIGHTS COMPLAINT

A. PARTIES AND JURISDICTION

1. Matthew Paul Lowe (Plaintiff) is a citizen of New Mexico (State) who presently resides at Lea County Correctional Facility (mailing address or place of confinement).

2. Defendant Bernalillo County Board of Commissioners (name of first defendant) is a citizen of New Mexico (State) whose address is 550 San Antonio DR Albuquerque, NM 87109, and who is employed as _____ (title and place of employment). At the time the claim(s)

alleged in this complaint arose, was this defendant acting under color of state law?
 Yes No. If your answer is "Yes," briefly explain:

These defendants are hired by the State of New Mexico to oversee and maintain M.D.C.

3. Defendant City of Albuquerque (name of second defendant) is a citizen of New Mexico (State)

whose address is 602 2nd St Albuquerque, NM 87102

and who is employed as _____ At the time the claim(s) (title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes No. If your answer is "Yes," briefly explain:

The defendant is responsible for operating and maintaining M.D.C under STATE Law.

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.)

(CHECK ONE OR BOTH:)

Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (for state defendants) or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for federal defendants).

Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

D.D.V-00021 KBM/KBJ

B. NATURE OF THE CASE

BRIEFLY state the background of your case. ~~The Plaintiff is~~

The Defendants violated Plaintiff's 5th, 8th, and 14th Amendments. Hindering legal access in adequate medical and mental health treatment excessively long confinement in a small cell loss of liberty lack of basic human needs violation of procedural due process unsanitary housing, retaliatory treatment.

C. CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I: _____

Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Claim II: _____

Supporting Facts:

Defendant 1 Bernalillo County Board of Commissioners
and Defendant 2 City of Albuquerque was ordered to
fix these issues at MDC due to short staffing
and had a blatant disregard for my rights
guaranteed by the Constitution and State law.
I exhausted all of my remedies and now seek
relief from this higher court. I have severe
anxiety and depression, suicidal thoughts, dissociative
and change in behavior, PTSD, HEP C, had food poisoning
I will go into more detail below.

Claim III: _____

Supporting Facts:

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Name and location of court and docket number _____

c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed? Is it still pending?)

d. Issues raised: _____

e. Approximate date of filing lawsuit: _____

f. Approximate date of disposition: _____

2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. Yes No.

If your answer is "Yes," briefly describe how relief was sought and the results.

I spoke to and filed requests and grievances for everything and was basically ignored

3. I have exhausted available administrative remedies. Yes No. If your answer is "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted.

I dont have proof I have written MPC 3 times requesting My grievance record but if you look at it you will see all of my grievances were not answered.

E. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Name and location of court and docket number _____

c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted.

d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

2. Are you in imminent danger of serious physical injury? _____ Yes _____ No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

G. REQUEST FOR RELIEF

I request the following relief:

"See attached"

Prisoner's Original Signature

Original signature of attorney (if any)

Attorney's full address and telephone

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at Lea County Correctional Facility on 8-12-24
(location) (date)

Matt Jore (date)
Prisoner's Original Signature

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Aug 25th C. What date and approximate time did the events giving rise to your claim(s) occur?

Aug 25th and continuing as of date
2021 March 3, 2023

• See Attached Exhibits

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Accorded r. City of Albuquerque KBM/KBJ - Due to this state with the members due to the shortage of staff is the reason for the excessive lockdowns at (BCNDC). By this and the excessive lockdowns consecutively over 72 hours (116 hours) with out showers, use of telephone, use of Dayroom kiosk, day room access not getting my full general population out of cell time. which is 3 to 2 + 4 to 8 I'm getting 8 to 10 this is wrong & torturous and unusual punishment. failed to treat my opiate use disorder

V. Injuries would not supply me with eye glasses. Refused to give ~~Violations of my~~ Psychiatric Treatment. Did not treat my P.A.D. Didn't treat If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. HEP C.

• ~~Severe~~ PTSD (Due to the excessive lockdowns in 6x8x12) Violation of Due process
- Severe anxiety
- Severe Depression 8) Hepatitis C Crucial unusual punishment. See attached
- Change in health violation of due process
- Suicidal thoughts food poisons
- Disassociative Behavior & change in Behavior
7. Violation of my amendment rights clause

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

1.) this party seeks relief of 5 million dollars due to the bases on the claims and the violation of my constitutional rights. and for attorney fees due to me being a pro see plaintiff and indigent. 2.) this party seeks 2.5 of the 5 million to go to the city of Albuquerque the Board of Commissioners of Bernalillo county metropolitans Detention center, the representative for metropolitan, Detention center for the adding / hiring of staff at the jail to resolve this situation.

3.) Due to the injuries and the relief is where I base my claims

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N/A

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See attached copy

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

Pretrial detainee
 Civilly committed detainee
 Immigration detainee
 Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Units where: Bernalillo County Metro Politan Detention Center
E-6 E-8 E-7 RHU S 100 Deputy Dean Mirea DR SW
Albuquerque, NM 87151

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Starting Aug 24, 2021

Continuing As of 3-1-2023

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I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which you have been known:

ID Number

Current Institution

Address

Matthew Paul Jave

Math Jave

MDC # 100258-135 NMCD # 90280

RDC Central New Mexico Correctional Facility

P.O. Drawer 1323 ~~Los Lunas~~

Los Lunas NM 87031

City State Zip Code

I got moved see attached for new address

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Bernalillo County Board of Commissioners

550 San Antonio DR

Albuquerque NM 87108

City State Zip Code

 Individual capacity Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City of Albuquerque

602 2nd ST
Albuquerque NM 87102

City State Zip Code

 Individual capacity Official capacity

Matthew Lee # 90280
Lea County Correctional Facility
6900 West Millen Dr.
Hobbs, NM 88244

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I Did file grievances

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I Did file

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. CAPT Trujillo came into the POD a few times and said he couldn't do any thing. Because they were short staffed. He recognized the problem and I exhausted my remedies with no result. That is why I turn to this higher court.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

Yes

No

N/A

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

N/D

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VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Bernalillo County
Metropolitan Detention Center

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

The Claims of Violating My 1st, 8th, 10th Amendment Rights
This is where I Base My Claim. Being Locked Down over 24 hours
Several Times and Lack of Medical Care
Not Getting My Time out of Cell

Expired food, benefit living Conditions

Not Treating me for C.U.D. OR P.A.D.

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D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

I filed grievances on the kiosk and in my cell using the tablet you can find them on file in the grievance process file.

2. What did you claim in your grievance? Being locked down over 72 hours several times, lack of medical care, not treating my opiate use disorder, needing medical psyche treatment, serving expired food.

3. What was the result, if any? There was no result, if the disposition is the grievances. They would come back as "unfounded" or "founded" or "substantiated" or undecided I used all my exhaustive remedies so this is why I seek this higher court.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I appealed my grievances as far as it would go but there was never any result. The situations are still unresolved, and I would like a resolution through this higher court.

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Signature of Plaintiff

Matthew Lowe

Printed Name of Plaintiff

Matthew Lowe

Prison Identification #

MDC100258439 Doc 90280

Prison Address

P.O. Box 1328 6900 W. Miller Dr.
Los Lunas Hobbs NM 88264

City

State

Zip Code

See attached copy for new address.

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

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Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

Yes

No

N/A

If no, give the approximate date of disposition

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

D. Cause of Action Claim I

1. Plaintiff Matthew Paul Lowe was confined at the County jail located in the city of Albuquerque, NM from August 25th 2021 to February 1st of 2023.

Plaintiff is currently confined at Lea County Correctional Facility 6900 W. Millen Dr. Hobbs, NM 88244.

2. Plaintiff is, and was at all times mentioned herein, an adult citizen of the United States and a resident of the State of New Mexico.

3. Defendant Bernalillo County board of Commissioners was at all relevant times herein the Commissioners of adult services for the County of Bernalillo and the City of Albuquerque with responsibility for operating and maintaining detention, penal, and corrective institutions within the County of Bernalillo and day to day operations of the facility.

4. Defendant City of Albuquerque was at all relevant times Commissioner of adult services for the City of Albuquerque with responsibility for operating and maintaining detention, penal, and corrective institutions within the City of Albuquerque and day to day operations of MDC.

AND WAS AT ALL TIMES A MUNICIPAL CORPORATION

OF THE STATE OF NEW MEXICO.

D. Cause of Action Claim F

5. This action arises under and is brought pursuant to 42 U.S.C. Section 1983 to remedy the deprivations, under color of state law of rights guaranteed by the Eighth and Fourteenth Amendments to the United States Constitution. This Court has jurisdiction over this action pursuant to 28 U.S.C. Sections 1331 and 1333.

6. Plaintiff's claims for relief are authorized by rule 65 of the Federal Rules of Civil Procedure.

7. This Cause of action arose in the state of New Mexico therefore venue is proper under 28 U.S.C. Section 1331(b).

8. Plaintiff has filed no other lawsuits dealing with the same facts involved in this action.

8. Plaintiff Matthew Paul Lowe has exhausted all of his administrative remedies by filing grievances and medical requests that were ignored and never given any attention by staff, supervisors, Board of Commissioners or City of Albuquerque. He "escalated all of the grievances he could to as far up the supervisor chain he could for all of the claims he is making in this action.

D. Cause of Action Claim I

9. Plaintiff spoke to all of Unit Supervisors facility Supervisors and was told they were fixing the staffing issues and lack of Medical care and that a lot of my complaints were "not grievable" but no remedies were ever given that is why he is seeking relief from this higher Court.

10. At all relevant times defendants were "persons" for purposes of 42 U.S.C. Section 1983 and acted under color of law to deprive Plaintiff of his Constitutional rights set forth more fully below.

11. On August 25th 2021 Plaintiff was booked into M.D.C. and was put in "F" Unit detox and quarantine pod where the plaintiff was given a "boat" to sleep on in the middle of the "day room" because he was detoxing from Opiates.

12. During Plaintiff's first week August 25th-31st he was only given 30 Minutes which was two 15 minute intervals he was allowed off of his "boat" for a shower even though he defecated on himself because there was only one open cell for a restroom for around 20 inmates that were also on "boats" in the day room.

D. Cause of action Claim I

13. Plaintiff did not have access to file a grievance for his first week of Aug 25th - 31st.

14. During the week of August 25th - 31st Plaintiff's towel and socks were stolen because he had nowhere to keep them and was unable to dry off after his shower and was denied new towel or socks and was freezing and was denied an extra blanket.

15. During the week of August 25th to 31st the restroom the plaintiff was forced to use was absolutely disgusting. It was clogged in urine, feces, and vomit and was being used all of the time so he had to vomit in a bag and defecated in his pants.

16. On or about September 1st 2021 the Plaintiff was moved into a cell in the same pod and was only given 1 shower and zero time out of the cell for that week.

17. On or about September 9th the plaintiff was moved to E-unit pod #6 where he was in cell #21, #22, and #16 and was only given 15-30 minutes two times a week for the entire time he was in E-6.

D. Cause of Action Claim I

18. from September 9th through the Middle part of November the plaintiff was trying to be seen by medical for blood work and to address health concerns and wasn't seen until he had a McLendon attorney MRS. Loewe come see him and talk to the supervisors at the facility. At which point she informed the plaintiff about the importance of the grievance process informed him he was not receiving adequate medical treatment or time out of small cell and that his opiate use disorder should be treated. She left and the provider came about an hour later and was very rude and made a comment about the plaintiff getting a lawyer to help him and he diagnosed the plaintiff with Peripheral Arterial Disease or P.A.D. and was finally placed on high blood pressure medication.

19. A few days after MRS Loewe saw the plaintiff he was finally seen by mental health. He told the nurse about his P.T.S.D., depression, anxiety and substance abuse. She denied him treatment stating he was just trying to get "psych" meds for what amounts to street use.

Cause of Action Claim I

20. Around the first week of December the plaintiff filed a grievance on officer Shane Flynn for not giving us our time out of cell and access to shower and telephones. Which shortly after the plaintiff was retaliated against for the grievance and moved to restricted housing unit #5 or RHU 5.

21. ON or about December 10th the Plaintiff was in RHU5 and was locked in his cell for over 100 hours with no time out, or access to a shower or cleaning supplies, or telephone.

22. ON or about December 15th the Plaintiff was moved to E-8 where he was still being locked down for excessive amounts of time in a small cell.

23. There are several dates that the Plaintiff was locked down for 84 plus hours sometimes up to 120 hours. The weekend of April 1st 2022 in May 2022 in June of 2022 in August of 2022 in September 2022 and November of 2022. These were just the times over 80 hours we were constantly locked down for 72 hours at a time with out a shower access to exercise, telephones, cleaning supplies interaction with other inmates

Cause of Action Claim I

access to Meals with other inmates
access to religious services for the
entire year February 2022 - February 2023.

24. In November of 2022 ~~report~~ Plaintiff's
toilet broke. The Plaintiff informed LT.
Speedy the acting E unit supervisor and
he informed the plaintiff he was short
staffed but he would try to get it fixed.

25. Four days later with NO time out
the toilet was fixed, but during that
time the Plaintiff had to urinate in
his sink and defecate in a bag because
his toilet was full of urine and feces.

He had NO way of throwing out his feces
for four days and NO access to cleaning
supplies. He was made to breathe in the
terrible odor and eat his food in the
cell for four days.

26. For the entire year from February 2022
until February 2023 the plaintiff experienced
inadequate and unsanitary housing from
issues due to under staffing. Trash would
pile up in the cells with rotting food. NO
ACCESS to showers and cleaning supplies
for 3-4 days at a time.

Cause of Action Claim I

27. All of these issues brought forth are blatant violations of the 8th and 14th amendments causing loss of liberty and lack of basic human needs. Which at one point a judge even released the Plaintiff due to inadequate Medical Care. He remained in custody because of a Warrant in Arizona but the judge did release him from New Mexico.

28. The Plaintiff has Opiate use disorder (Severe) which is a treatable disease requiring treatment just like HepC and HIV. The Plaintiff met all of the requirements to receive treatment but was still denied eventually causing him to relapse and get Hepatitis C.

29. These violations of the Plaintiff's guaranteed Constitutional rights. Violating 8th and 14th amendments causing loss of liberty and privileges, lack of basic human needs, excessively long confinement times in a small cell, inadequate Medical Care, inadequate Psychiatric Care, unsanitary housing conditions.

30. In general defendants showed deliberate indifference to the needs of the inmates

Cause of Action Claim I
and particularly neglected those of the plaintiffs.

31. There was constant excessive lockdowns causing plaintiffs loss of exercise loss of interaction with other inmates loss of meals with other inmates inadequate access to telephone No access to cleaning supplies or regular showers, and religious practices.

32. In general the defendants showed deliberate indifference to the medical needs of the plaintiff.

33. Medical Care at the jail was inadequate and unprofessional. Deficiencies were the norm were unable to receive care upon request and often had to submit a grievance to be seen.

34. Plaintiff was never given eye treatment for the entire 18 months at the facility.

35. Inadequate opportunity to practice religion

36. Failure to administer adequate medical remedy.

37. Retaliatory treatment for filing grievances.

Cause of Action Claim I

38. See McClelland v. City of Albuquerque

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39. See Perkins v. Kan. Dept. of Corr.,
165 F.3d 803 (10th Cir. 1999)

39. See Helling v. McKinney, 509 U.S. 25,
32, 1135. Ct. 2475, 2480, 125 L.Ed. 2d
22, 31 (1993) (citing Deshaney v. Winnebago
County Dept. of Social Services., 489 U.S.
294, 304, 111 S. Ct. 998, 103 L.Ed. 2d 19 (1989))

40. See Wilson v. Seiter, 501 U.S. 294,
304, 111 S. Ct. 2321, 2327 L.Ed. 2d 15 L.Ed. 2d
271, 283 (1991).

41. As a pre-trial detainee I have the
right to privileges adequate time for recreation
exercise, showers, cleaning, religion, interaction
with inmates, telephones which the defendants
failed to give the plaintiff.

42. When I got to NM DOC I was diagnosed
with PTSD, Depression, Anxiety, insomnia and
given eye glasses that MDC refused to
give me.

43. These claims are all brought forth due
to the shortage of staffing at MDC and
the blatant disregard the defendants had
for my rights and privileges.

Respectfully submitted
Matthew Jue

D. Cause of Action Claim II

1. Plaintiff Matthew Paul Lowe was confined at MDC for the entirety of this Complaint.

2. I want to start by apologizing for lack of dates and names. When I was transported to DOC I had to throw away everything I brought with me. Even legal & Religious Items.

3. I was arrested around 9pm August 24th 2021 and booked at MDC around midnight August 25th 2021. I was "kicking" and put into F unit detox pod where I had to sleep on a boat in the middle of the dayroom with 20 other inmates that were kicking as well. We had to share one filthy toilet. I was freezing and only got 2 showers that first week even though I was vomiting so hard I crapped my pants in the middle of the dayroom since there was always a long line for the one toilet. I was moved to E6 after about 2 weeks.

3. I had to get help from a McClelland Attorney Katherine Loewe to get seen by Medical and Mental health and she

D Cause of Action Claim II
informed me of the staffing issues that MDC was already in trouble for and that I should be getting treatment for my Opiate Use disorder as well as getting adequate Medical treatment and time out of small cell. She went and talked to someone and they saw me that day and diagnosed me with Peripheral Arterial disease or P.A.D. and after 3 months gave me blood pressure meds. A couple days later Mental health came and basically told me I was trying to get meds I didn't need and denied me treatment. I was locked down for basically the entire 18 months I was there, but the first time I filed a grievance against Shane Flynn around December 1st of 2021 I got retaliated against and moved to Seg for a week where I beat the false write up I was given, but during that time I was locked down for over 100 hours straight in RHU #5 because there was no C.O. Then I was moved to E-8 then to D8 where I was still trying to get proper Medical treatment and information about my P.A.D.

Cause of Action Claim II

which I never got. Then in February 2022 I was moved to E-8 where Officer Claville and Beltran were the C.O.'s I remained there until Feb. 2023, During that year I filed many grievances that were never answered and the ones that were never got any resolution. I was locked down constantly for 72 hours with no time out at all, and there was about ten different times I was locked down 84-120 hours in Feb 2022 April 2022 May 2022 June of 2022 August 2022 September 2022 November 2022. I filed grievances almost every time. One time I was kept in my cell with a broken toilet for 4 days. in Nov 2022. All of the time without exercise and showers and being isolated took a toll on my mental health which I am now getting treatment for, but I have had panic attacks fear of groups of people thoughts of harming myself which I never had before that 18 months. The judge even released me because I wasn't getting proper medical treatment I remained in custody because I had a warrant but even the judge saw how bad it was. I proved to the nurses that I qualify for M.A.T.

Pg 4

Cause of Action Claim II

program got all of the paperwork they asked me for MRS Loewe even went to a City Council Meeting on my behalf and they still denied me or actually ignored me, but OUD is a serious obvious condition requiring treatment like Hep C or HIV. I contracted Hep C while I was there because they refused to treat me for OUD or any of my medical needs really.

There was a lot of stuff I didn't grievance because the officers said it wasn't grievable or I was just ignored so I gave up the COs would be rude and make fun of me for filing grievances and complaining. CAPTAIN TRUJILLO came and addressed the staffing issue a few times said he knew what they were doing was illegal and a violation of our rights but he couldn't do anything about it.

I am seeking help from this higher court to make me whole again and receive the compensation I deserve for what I went through at M.D.C. I need therapy and am on "psych" meds and I don't know if my anxiety or panic attacks will ever stop but I never had them before.

Cause of Action Claim II

I dont think you can place a dollar amount on physical and Mental Health but I hope this will be a means to an end for both parties.

I went through a lot of long periods of confinement even though I was in general population. I was hardly given medical care it was inadequate at best. I was completely denied Mental health treatment. I experienced a serious loss of liberty and privileges I should have had according to the STATE LAW and U. S. Constitution and a serious disregard of basic human needs. even though the defendants knew and were ordered to fix these problems.

Respectfully Submitted
Matthew Lee.

G. Request for Relief Pg 1

Plaintiff Seeks Compensatory damages for the loss of privileges and quality of life in his jail living conditions, and loss of the limited liberty enjoyed by pre-trial detainees resulting from short staffing by Bernalillo County Board of Commissioners and The City of Albuquerque at the Bernalillo County Metropolitan Detention Center located at 100 Deputy Dean Miera Dr Albuquerque, NM 87151

Plaintiff Seeks punitive damages against Defendants Bernalillo County Board of Commissioners and the City of Albuquerque for their willful and Malicious conduct in the Plaintiffs excessively long lockdowns in a small cell for Plaintiffs loss of ability to attend religious services, educational services, watch television, associate with other inmates attend outdoor recreation in a congregate setting with the ability to engage in sports and other congregate recreational activities attend meals with other inmates, access to telephone, adequate medical care, adequate mental health treatment for having to live in unsanitary housing conditions

G. Request for Relief Cont. Pg 2
Violation of plaintiffs 1st 5th 8th
and 14th Amendments. Causing plaintiffs
loss of liberty and lack of basic human
needs.

Plaintiff requests an order
declaring that the defendants have
acted in violation of the United STATES
Constitution

Plaintiff requests 5 million dollars
as compensatory damages.

Matthew Lowe

I declare under penalty of perjury
that the foregoing is true and correct.

Matthew Lowe

8-11-24

account exceeds \$10.00. The complaint may be dismissed at any point if you fail to make the required monthly payments.

10) When your complaint is completed, it should be mailed with the necessary copies and filing fees, or motion to proceed pursuant to 28 U.S.C. § 1915 and financial certificate, to the Clerk of the United States District Court whose address is:

**U.S. District Court
333 Lomas Blvd. NW, Ste. 270
Albuquerque, NM 87102**

11) United States District Judges, United States Magistrate Judges, law clerks, the Clerk of Court, and deputy clerks are officers of the court **and are prohibited from giving legal advice**. Questions of this nature should be directed to an attorney.

Matthew Lowe #90280
6900 W. Miller Dr
Hobbs, NM 88244

quidem
CORRECTION
AMOUNT
\$602.35 0
081147-024 21P 63214
043M31244723

U. S. District Court

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DISTRICT COURT
STATES OF NEW MEXICO
UNITED STATES, NEW MEXICO
ALBUQUERQUE, AUG 16 2021
MITCHELL R. ELFFERS
CLERK

Albuquerque, NM 87102